

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

JAMES DOUGLAS SMITH,

Plaintiff,

v.

OFFICER LONG, SHERIFF
HAMMOND, NURSE JANE DOE,
MAYOR OF CHATTANOOGA,
GOVERNOR OF THE STATE OF
TENNESSEE, WALMART MANAGER
ROBERT, AT&T STORE MANAGER,
AND AMERICA'S BEST VALUE INN,

Defendants.

No.: 1:19-CV-226-HSM-SKL

ORDER

Before the Court is the Report and Recommendation (Doc. 10) of United States Magistrate Judge Susan K. Lee, recommending the Court assess a filing fee, dismiss this action without prejudice for want of prosecution, and certify that any appeal from this action would be totally frivolous. The Magistrate Judge specifically advised Plaintiff that he had 14 days to object to the Report and Recommendation and that failure to object would waive his right to appeal. (Doc. 10 at 3, n.1); *see* Fed. R. Civ. P. 72(b)(2); *see also Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting “[i]t does not appear that Congress intended to require district court review of a magistrate judge’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings”). Plaintiff did not file an objection and the time to do so has now passed. The Court has nonetheless reviewed the Report and Recommendation and the record, and agrees with the Magistrate Judge’s well-reasoned conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact and conclusions of law as set forth in the Report and Recommendation (Doc. 10). Plaintiff is assessed the full filing fee of \$400 and this action is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). The Court further certifies that any appeal from this action would not be taken in good faith and would be totally frivolous. Should Plaintiff file a notice of appeal, he will be denied leave to appeal *in forma pauperis*. See 28 U.S.C. § 1915(a); Fed. R. App. P. 24.

Additionally, given his repeated frivolous filings, the Court will refer the Plaintiff to Chief Judge Pamela L. Reeves for consideration of whether injunctive measures are appropriate pursuant to Standing Order 18-04. Plaintiff has filed no less than 18 lawsuits this year. Most have been administratively terminated for failure to pay the required filing fee or submit an application to proceed in forma pauperis after receiving a notice of deficiency. See, e.g., *Smith v. Aushborne*, No. 1:19-mc-19; *Smith v. Bitakofer*, No. 1:19-mc-20; *Smith v. Chattanooga Memorial Hospital Emergency Room CEO, et al.*, No. 1:19-mc-21; *Smith v. Heiniker, et al.*, No. 1:19-mc-23; *Smith v. Robinson, et al.*, No. 1:19-mc-32; *Smith v. Core Civic, et al.*, No. 1:19-mc-38; *Smith v. Ashborne, et al.*, No. 3:19-mc-19. Accordingly, pursuant to Standing Order 18-04, James Douglas Smith is hereby **REFERRED** to Chief Judge Pamela Reeves for review and determination of whether an injunction is appropriate.

The Clerk is **DIRECTED** to close the file. A separate judgment shall enter.

SO ORDERED this 27th day of December, 2019.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE